1: Grigson G-5 (1927-1934) 1949
AW32 Gond AW32
Hill Maria
Bison Horn Maria

Chapter XVII

Village, Clan and Pargana Authorities and Panchayats; their Executive Authority; their Judicial Authority and Methods; Property and Inheritance; Position of Women; the Recent State Orders Restoring Judicial Authority to Panchayats

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One of the most remarkable features of the Bastar of 1927 was the extent to which tribal, village and caste *panchayats* still regulated the religious and social life of the people, acted as intermediaries between them and the State and its zamindaris in meeting State demands for taxes, labour and supplies and in protecting the ryots from undue exactions, and exercised much *de facto* criminal and civil jurisdiction. Here ready to hand was the nucleus of an organization which, if properly handled and fostered, could in time save the State much money spent on law and justice, police and general administration. But the opposite policy had consciously or unconsciously been followed. Any exercise of criminal jurisdiction, even in petty crop theft cases, had been regarded as usurpation of the authority of the police and courts, and persons who had already made ample amends under tribal custom were arrested and sentenced all over again by the tahsildars, while headmen and elders not infrequently were punished for not reporting the offences. A badly trained police, often singularly lacking in common sense, would descend on a village and waste days in pointless investigation of petty cases, expecting not only to be fed on rice, mutton and poultry by the villagers during their stay, but also to be provided with stores of grain under the old *bisaha* system to take away with them at the end of the investigation. Villagers would be compelled to carry the supplies thus forcibly taken from them to the police station, perhaps two or three days' march distant, and would rarely be given even the nominal payment prescribed under the old *bisaha* rules. Then would follow a protracted trial at the still more distant tahsil headquarters, ten witnesses being summoned where three or four would have been ample; and probably all these witnesses at the end of the trial would have to accompany the police party back to the police station to carry their impedimenta, and might be kept even longer as '*athpaharia begar*' labourers to clean the police office and lines and do domestic work for the constables.

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AW32 Gond AW32
Hill Maria
Bison Horn Maria

The civil matters ordinarily decided by the *panchayats* would be marriage cases, such as settling the compensation to be awarded to a husband when his wife had eloped with another man. But tahsildars would entertain complaints under the sections of the Indian Penal Code punishing adultery from a husband dissatisfied with the *panchayat's* decision, and thereby undermine yet further the authority of the *panchayat*. I have in an earlier chapter referred to the effect of the unconscionable demands for forced labour and supplies on the position of the village headmen, and shown how in consequence the tendency was to put forward a dummy as the headman for secular matters, the real leadership of the village remaining with the religious headman, that is to say, the *hasyaq-gaita* in the case of the Hill Marias, and the *perma* in that of the Bison-horn Marias, but the dummy being available to bear the brunt of official wrath, though powerless to effect anything without the consent of the village elders. Formerly, there seems little doubt, the *hasyaq-gaita* and the *perma* also discharged the functions of the secular headman; the differentiation of the two functions was the result of the State officials' treatment of the aboriginal. In many Abujhmar villages the functions are still combined, or are held by members of the same family, because State officials were always loath to penetrate into the interior of the Hill Maria country. With the revival of the authority of the headmen and *panchayats* that is now the policy of the State, it may be expected that gradually the religious headmen will resume the secular headmanship also.

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It is not surprising that, as the result of these methods of dealing with the aboriginals, their *panchayats* tended to co-operate as little as possible with the State; their object became to conceal crime from the police and in general to comply with State requirements only so far as was necessary in order to avoid trouble, and, above all, visits of subordinate State officials to their villages. The records of murder and other trials show many cases of the village elders meeting and deciding to hush up a crime, especially if it had occurred at harvest or any other busy agricultural season, rather than have the whole life of the village community disorganized by police investigation, committal proceedings and Sessions trial. Such crimes may have come to light later through the *panchayat* reporting them at their own convenience, or through the widow or other relative of a murdered man being dissatisfied with the compensation which the murderer had been ordered to give, while in some *parganas* informers arose who subsequently used their supposed prestige with the police to become petty local tyrants. Conversely on occasions *panchayats*, disgusted with the failure of the police to investigate thefts or with the acquittal of guilty persons by the

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1: Grigson G-5 (1927-1934) 1949
AW32 Gond AW32
Hill Maria
Bison Horn Maria

623 692 tahsildars, took the law into their own hands and had the thieves killed.

Purely social matters, breaches of caste or tribal prejudices, were left by the State to the jurisdiction of caste *panchayats* and of the caste headmen, appointed for nearly all Hindu and semi-Hindu castes in the State by the Ruling Chief in the tahsils and by the zamindars for their own zamindaris; after the first appointment these offices tended to become hereditary in the family of the person appointed, the succession having to be recognized by the Ruling Chief, from whom the headmen of leading castes would receive a turban as insignia of office. A register of these headmen is kept, and appeals from their decisions in caste *panchayat* in social matters lie direct to the Ruling Chief, this power during the long minority of the late Maharani of Bastar having been exercised on her behalf by a relative of hers who manages the State temples at Jagdalpur. But the State never appointed caste headmen for Hill or Bison-horn Marias, who retained their own tribal customs in these matters, and whose *panchayats* did not, like those of Hindu castes, deal only with social matters, but also with petty crime and with the administration and agricultural management of the villages and clans, as well as their relations with the officers of the State. To some extent the Murias were in the same position; but in certain areas caste headmen had been appointed for them, and they had learnt to defer to the Palace as the ultimate arbiter in social matters, while great numbers of their villages had been granted to alien lessees who asserted their own authority and belittled that of the traditional headmen and *panchayats*.

622 623 692 A text for the enquiries which I had made into the *panchayats* of the Marias was the following passage from the appendix to the chapter on caste (Chapter IX, p. 239) in Marten's 1911 *Central Provinces and Berar Census Report*:—

'The following account of the tribal council of the Maria Gonds of South Chanda has been sent in by the Manager of the Ahiri estate, and is worth quoting almost in full. Every genuine Maria village has a village headman or *patel*, called the *Gaita*. In addition to his office as a *gaita* he generally exercises also the hereditary functions of a *Bhumia* or religious headman of the village. This dual office used formerly to be held as a rule by one and the same man in the village, and, with a few exceptions here and there owing to poverty or loss of influence on the part of the *Bhumia*, it is still so held in the majority of cases. The man enjoying the double office is therefore the patriarch of the whole village community, and his authority in the village (or a group of two or three villages) under him is supreme. This post is hereditary. The caste has not a standing Panchayat or governing body. It is called together when required. But the system prevailing in the caste is far more developed and is in certain respects more far-reaching than the ordinary Panchayat system prevailing in other castes. The village *Gaita*, on receiving a report of a misdemeanour or other occurrence in the village, calls two or three elders of the village together—the number is not fixed, nor is it necessary to call the

623 692

1: Grigson G-5 (1927-1934) 1949
AW32 Gond AW32
Hill Maria
Bison Horn Maria

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same man every time—sends for the complainant and the accused, and after hearing the parties decides the case with the help of the village elders, who as a rule agree with his decision.

The jurisdiction of the village panchayat is confined to the village itself, and a local village panchayat is never referred to for the decision of a case by persons at a distance. A group of about 50 to 100 villages is constituted into what is locally called a *patti*, and this *patti* acknowledges the authority of the chief religious and social headman of the group, who is called the *Sendhia*. The *Sendhia* is the chief priest and judge of the *patti*. Every marriage contracted, every case of social misdemeanour involving the penalty of a fine, and every other social and religious function performed in any village of the *patti* yields the *Sendhia* a fixed fee in cash, ranging from Rs. 2 to Rs. 10, and in some exceptional cases up to Rs. 50. The office of the *Sendhia* is also hereditary, and the *Sendhia* is the dominant authority in the *patti*. The authority of the *Sendhia* (for purposes of a Panchayat) is invoked only in exceptional cases involving the interests of a number of villages, and in such cases the decision of the *Sendhia* on an appeal being made to him by or against a village panchayat (or a number of village panchayats) is final. For purposes of a panchayat therefore each *patti* forms a distinct unit, the internal composition of which is as follows :—

(*a*) Each village holds its own panchayat composed of a few village elders and presided over by the village headman (*gaita*).

(*b*) Each group of villages acknowledges the authority of the *Sendhia*, who is the court of appeal for difficult or intricate intra-communal disputes.

(*c*) Each *Sendhia's patti* is, as a rule, a compact block of country, sharply defined by prominent natural geographical boundaries (a range of hills, a large river or a nullah), and the *Sendhia's* authority is confined to his own *patti*.

The affairs of one *Sendhia's patti* are never referred to a *Sendhia* of another *patti*. Each *patti* is known by its local geographical name (such as the Lahiri *patti*, the Vennasugar *patti*, the Jarawandi *patti*, the Ghat *patti*, and so forth), and each *patti* is the sole undisputed domain of the local *Sendhia*. The only remarkable case of an exception to this general rule that occurred within the memory of living man was during the cold weather of 1909 at the village of Kotmi, which belongs to the Vennasugar *patti*. A Maria's daughter of the village eloped with a Musalman. The local village panchayat took a feast from the father of the girl, and fined him an amount adequate enough for the dues of the *Sendhia*. The *Sendhia* demanded more and censured the village panchayat for having let the man off with a light amount. The village panchayat considered the *Sendhia's* demands to be exorbitant, and threatened to alienate themselves from him and to invoke the aid of a foreign *Sendhia*. This was too much for the *Sendhia*, who directly excommunicated the whole village panchayat. The panchayat therefore sent for the *Sendhia* of Judt, who naturally refused to affiliate the village to his *patti*, but, seeing the difficulties of the case, agreed to purify the culprit for a small fee, which was paid to him. He performed the necessary ceremonies and reclaimed the unfortunate father of the girl. Thereupon the whole *patti* of Vennasugar rose against the village of Kotmi, and threatened to use violence. This caused some uneasiness to the police, who began sending in reports. The Manager of the Ahiri estate went to the spot, and his camp was immediately besieged by about a hundred *Gaitas* of the *patti*, headed by the *Sendhia*, who clamoured for justice. Their complaint was that the village people of Kotmi had set a bad example, and that the people of the *patti* would know no rest till they (the Kotmi people) got themselves purified by the *Sendhia*. The Marias of Kotmi were, on their part, too obstinate to yield, and with great difficulty the Manager succeeded in effecting a compromise by prevailing upon the *Sendhia* to reduce his demands. He agreed ultimately to give absolution for a nominal amount, which was paid by the girl's father, and thus ended in a merry drinking bout what threatened to be a small civil war. The next

1: Grigson G-5 (1927-1934) 1949
AW32 Gond AW32
Hill Maria

the headman of Pariakot was headman of Dunga when he founded Pariakot from Dunga; of the latter group the headman of Lakka, the parent village, is the head *gaita*, and has since been appointed *pargana* headman of the Kutru Mar *pargana* as the most influential headman in the *pargana*. In these cases, as generally among Hill Marias, the *waddai* or clan-priest is not the headman of the clan. But the Marias of Kutru south of the Indrawati and of the adjacent parts of Bijapur who are of Hill Maria origin modified in culture by contact with Bison-horn Maria and other neighbours, have usually their *waddai*, by them designated *modul wadde*, as the secular head of the clan as well as clan-priest. The names and villages of most of these clans have been given in the footnote to page 202. The post is hereditary, but the holder is sometimes deposed if he does not duly propitiate the clan-god or is oppressive. In matters affecting the State and in ordinary village routine he has no authority (unless he has been recognized as *pargana* headman), the village *peda* and *perma* being supreme; and in ordinary village *panchayats* he probably takes no part, except in his own village, and even there probably only as a member, the *peda* being the president. As social arbiter he decides tribal cases, such as breaches of social rules and marriage disputes, at the annual harvest festival, there known as the *Pindi Pandum*, with the aid of a clan *panchayat* of the leading *pedas* and *permas* of the clan villages.

Among the Hill Marias of Antagarh tahsil, that is to say of the greater part of the Abujhmar hills, we have seen that the *parganas* are clan-areas, the exception being the large Chhota Dongar *pargana*, where, however, the Usendi clan predominates and is recognized by the other clans as the chief clan of the *pargana*. The man now recognized by the State as the *pargania majhi* or headman of each of these *parganas* is the hereditary clan headman or *pargania gaita*. He is the chief headman of the village headmen of his clan rather than clan headman, for, though orders issue as his orders, they are issued always after consultation with a *panchayat* of the leading headmen, religious and secular, and elders of the villages in the clan-area. Any attempt on the part of a *pargania gaita* to presume on his position to make himself a little chief or tyrant is fiercely resisted by the clan; one of the reasons for the 1916 murder at Orcha of Usendi Bhosa, the headman of the Chhota Dongar *pargana*, was the belief that he was trying to 'set up a *raj* over Metabhum'. Similarly in villages the headman's authority is rather that of the spokesman of the village elders than his own individual authority. If the tahsildar sends word to the *pargania gaita* that, for example, a camp or camps have to be prepared in his *pargana* for the Diwan, or that on a certain date each village in the *pargana* has to supply

1: Grigson G-5 (1927-1934) 1949
AW32 Gond AW32
Hill Maria
Bison Horn Maria

men for road repairs, the *pargania gaita* cannot merely send out orders to the headman of each village in his *pargana* assigning his village a share of the *pargana* task. But he has to send out his *garhai* or messenger, a clan servant remunerated in grain at two or three *pailī* per cultivator, to call in the *gaita*, *kasyeq-gaita* and leading elders of each of the clan villages to a meeting at his village or some central spot, at which he arranges the distribution of the work in consultation with them. Similar meetings are called for arranging collections of money or grain for any clan festival, such as Koqsar, or any special disease-averting or tiger-averting ceremony. In a dispute between some of his villagers as to the distribution of the work he naturally would give the final word; and similarly when he calls in selected village *gaitas* to sit with him to decide inter-village disputes or to interfere with what he considers a wrong decision of a village *panchayat* he may have the final word. Strictly speaking, he is at liberty to dissent from the members of his meetings and *panchayats* and to insist on his own view being the final view in the matter; but in practice he would get short shrift if he made a habit of going against the majority. In actual fact, therefore, we have here a tribal organization very similar to that postulated by Mr. C. U. Wills, I.C.S., in his monograph on 'The Territorial System of the Rajput Kingdoms of Medieval Chhattisgarh' (see pages 4 and 33 above) as the foundation on which the Chhattisgarh Maharajas superimposed their roughly feudal system. In the village the *kasyeq-gaita* or the *gaita* is merely *primus inter pares* in regard to the village elders and in the clan or *pargana* the *pargania gaita* in regard to the *gaitas* and *kasyeq-gaitas* of the other villages of the clan or *pargana*. The natural democratic tendencies of the tribe not only are a bulwark against mismanagement by State officials, but also block any attempt on the part of a village or *pargana* headman to become a local despot. We have seen already[1] how even when the *kasyeq-gaita* of the village enthroned on his *udam-gāṛa* stone seat of honour at the Koqsar festival announces the agricultural programme of the coming year he is issuing no independent orders, but merely confirming *ex cathedra* the decisions already reached in *panchayat* between him and the elders. These stone seats for the *kasyeq-gaita* and *gaita* are almost the only outward sign of their primacy in their villages; and in some villages they sit on them also to preside over meetings of the elders for administrative or judicial work. The photograph on plate XXIII opposite this page shows the *kasyeq-gaita* and *gaita* of Itulnar thus seated in *panchayat*.

In the Bison-horn Maria country there are no contiguous clan or phratry areas, and the *parganas* often represent former petty

[1] See page 141.

HILL MARIA *PANCHAYAT*, ITULNAR
showing religious and secular headmen seated on stone udam-garya seats

[face p. 290

1: Grigson G-5 (1927-1934) 1949
AW32 Gond AW32
Hill Maria

[facing p. 290]

623
516
352

1: Grigson G-5 (1927-1934) 1949
AW32 Gond AW32
Hill Maria
Bison Horn Maria

622 kingdoms or *garhs* of forgotten chiefs, or divisions of the early
623 medieval Telanga kingdoms of Barsur, Dantewara or Bhairamgarh.
632 The Marias there are perhaps later arrivals, spread over a land once ruled by comparatively civilized and organized Telanga princes. There are *pargana* headmen, with wide influence and authority; but their authority possibly does not derive in the same sense from the clan, and may have been conferred in the not very distant past by the State because of the obvious advantages of having such central intermediaries between the State and the tribes. They have to deal with villages of many different clans, and far larger villages at that than those of the Hill Marias. These villages are still throwing off new *para* or hamlets, which often become bigger than the parent village, and soon for practical reasons have to have their own *peda* and *perma*, though these will be called the *chidala*, or small, in contrast to the *birya*, or big, *peda* and *perma* of the parent village. Among the Bison-horn Marias, therefore, it is natural to find the village *panchayat* exercising a more real authority and greater independence of the *pargana* headman and *panchayat* than among the Hill Marias. Nevertheless the formal recognition under the recent State orders of the *pargana* headman and his *panchayat* as a court of appeal from the judicial decisions of the village elders is bound to strengthen his position. The Bison-horn Maria has always been more in contact with and more ready to learn from the outside world than the Hill Maria, and there are many village and *pargana* headmen who show real leadership and force of character.

689 Social offences involving exclusion from tribal ceremonies and
564 feasts are very similar in these days to those of neighbouring Hindu
684 castes. The worst offences are to get maggots in wounds, to take
688 food from or have sexual relations with persons of the despised Ghasia, Mahra or Lohar castes, and to break the rules of exogamy by having sexual relations with a girl of a brother-clan. Another offence, which among the Bison-horn Marias may lead to considerable trouble, is the eating of any new crop or the cutting of grass or bamboo before the appropriate *pandum* has been celebrated; this form of sacrilege is believed to be avenged by the earth or clan-god sending tigers to carry off cattle or men, and in a case which came before me in which such a visitation had followed the cutting of grass by two villagers before the Kare Pandum the *panchayat* had ordered them to compensate the owner of each cow or bullock killed by the avenging tigers. The way in which breaches of the rules of exogamy are dealt with has already been described
689 (pages 245-6 above). Any form of social relations with Ghasia,
564 Mahra or Lohar, however unwitting, entails penalties not only
783 on the actual offender, but also often on his near kinsmen. In the

1: Grigson G-5 (1927-1934) 1949
AW32 Gond AW32
Hill Maria
Bison Horn Maria

In the chapter on marriage we saw how the elders had to witness the betrothal ceremonies, and how the *panchayats* deal with cases of divorce and elopement. It may be added that among the Hill Marias the clan-headman, like the *Sendhia* of the Chanda Marias, gets certain traditional fees which the parties have to pay in addition to the compensation which the *panchayat* may award to the injured parents or husband, or to the cost of the tribal feast; at every marriage in Kutru and Bhairamgarh Mar the clan-headman gets a fee of eight annas; when a *panchayat* has settled the compensation to be given to the first husband by the man with whom his wife has eloped, the old and the new husband have each to pay the clan-headman four annas. But the latter is expected not to retain the whole of his fee-income, but to divide it with the headmen of the villages of his clan who have assisted in the ceremony or *panchayat*.

I have already described on page 246 above, the ordeal to which the Gume Hill Maria clan *panchayat* in 1929 subjected a Toinar youth accused of incest with a girl of his clan. How far the ordeal survives in the remotest parts of the State I cannot say; naturally instances of its use very seldom come to light. There is reason to believe that ordeals of this kind were a regular feature of the 'justice' administered by bygone Chiefs and zamindars of Bastar, rather than a product of aboriginal thought; compare the account of the settlement of the Kudmer-Jatalur land dispute at page 96 above. Ordinarily, however, the *panchayats* follow no regular procedure beyond hearing the parties and their friends as informally as possible and deciding the case then and there after free discussion among themselves.

Questions of property seldom arise among the Hill Marias, there being obviously so little scope for dispute when 95 per cent. of the cultivation is shifting cultivation of hillsides regarded as the property of the clan and not of the individual, and when the village site is shifted at least every six years. Sons after marriage live in a separate portion of the long-house of their father or uncle, if there is space for adding a portion for them, or else build a separate house as close as possible; when next the village is shifted there is ample space for all to live in separate houses under one long-house roof. Questions of inheritance of houses therefore arise only when, as among the Bison-horn Marias, villages have become permanent and are not shifted at regular intervals. Even here, however, there are few disputes. The little value set on houses is shown by the fact that it is generally the youngest son who lives on in the father's house after his death, as probably his elder brothers will have married long before him and built separate houses for themselves on marriage. There is among the Bison-horn Marias a vague right to demand

1: Grigson G-5 (1927-1934) 1949
AW32 Gond AW32
Hill Maria
Bison Horn Maria

the family and clan to which she goes as a bride. She may elope with another man, but he must compensate the first husband. She must work for her husband, having his meals ready in the home or taking them to him in the field when he wants them, gathering forest fruits and roots, and doing her appointed work in the fields; many a woman has paid with her life by exasperating her tired husband by not having his food ready or by cooking it badly. She is not a full human being like a man. She is taboo when menstruating; she may not sleep in the field when the crops are ripening; she is debarred from attending at the festivals and *pandum*; she has no special dancing dress. Yet with all this she has not too bad a position. As a girl she has considerable freedom both in pre-marital sexual life and in the choice of a husband, and she is fairly free to leave her husband if he ill-treats her, or if he cannot beget a child. Tribal sentiment strongly condemns wife-beating. Her natural taste for ornament is given full scope, her parents gradually collecting beads and metal neck and arm rings, her boy-companion presenting her with beads and carved hair-combs, and her husband when she is married recognizing her right to spend a few of the scanty pice she earns from the sale of her basketry at the bazaar on simple trinkets. She participates in the tribal dances and songs, though not in the religious ceremonies that accompany them. In fact her position *vis-a-vis* her husband is far freer than that of the ordinary Hindu wife. Above all, she is not exposed to the evil of child marriage and premature motherhood, of which habits of their Hindu neighbours Maria headmen will speak with abhorrence.

Such in brief and imperfect outline are the main principles governing tribal law and custom, and the main features of the old village and tribal headman and *panchayat* organization. No attempt has been made in this chapter to draw any clear-cut distinction between the ways of the Hill and the Bison-horn Marias; in actual practice both treat such matters in much the same way, the main distinctions being (*a*) that the primitive clan organization is stronger and the authority of the headmen more limited by that of elders among the Hill Marias, and (*b*) that the Bison-horn Maria has been more in contact with the outer Hindu world than the Hill Maria.

The recent State Order restoring jurisdiction to Panchayats

Under the State Order framed in 1932 by my successor, the regular criminal courts of the State have been deprived of jurisdiction over the primitive tribes in cases of certain public nuisances, simple hurt and assault, thefts (except of cattle), of property worth Rs. 5 or less, mischief, trespass, house-trespass, bigamy, adultery and

1: Grigson G-5 (1927-1934) 1949
AW32 Gond AW32
Hill Maria
Bison Horn Maria

692 623 enticing a married woman from her husband.[1] The civil courts have been deprived of jurisdiction in claims for civil damages arising out of these criminal offences, and in simple money, grain and cattle claims up to Rs. 25 in value. All such cases are to be dealt with by the village *panchayat*, the convening of which and the selection of the elders of which are left to the village headman. No particular lines have been laid down to regulate procedure; the *panchayats* are not allowed to impose more than Rs. 25 as a fine, though in marriage cases they may allow marriage expenses up to Rs. 50, while corporal, barbarous or degrading punishments are prohibited; and the village *kotwar* or watchman at his periodic visits to the police station has to report the results of cases decided by the *panchayats* of his villages since his last visit. Any person dissatisfied with a decision of the village headman and elders can appeal within a month to the *pargana* headman, who is assisted by a *panchayat* of four headmen chosen every year by the assembled headmen of the villages of the *pargana* before the tahsildar. Though no orders were issued to regulate the disposal of fines, the headmen are encouraged to spend them on village improvements, save where tribal custom prescribes a tribal feast as part of the penalty.

623 There has not as yet been time enough to judge the success of this attempt to restore authority to the headmen and elders. In some parts the *panchayats* appear to be working surprisingly well on the whole; in some they either have little work to do or else have not won the confidence of the tribes through not having the right men as members, or perhaps through a weak man having been made headman in the old days and not yet having been ousted by the religious headman or the natural leader of the village; a few have had to be superseded, and the jurisdiction of the ordinary courts restored, because they were tampered with by Hindu and Mohammedan traders in adjacent market villages; here foreign influence had perhaps already gone too far towards detribalizing the village life. Obviously a good deal depends on the personality of the *pargana* and village headmen, and on the unobtrusive sympathy and watchfulness of the State officials; regular inspection and interference would, of course, be fatal to the success of what is largely an attempt to defend the tribes from the visits of the petty official. In the Abujhmar hills and the parts of Dantewara and Jagdalpur tahsils which I visited in 1934, the headmen and elders greatly appreciated the relief which the orders had given from the burdens of police and court investigations, and the *pargana* headmen were taking their appellate duties seriously and fairly soundly. It

[1] The actual Penal Code sections are 277, 290, 323, 334, 341, 352, 354, 353, 379, 380, 426, 447, 448, 494, 497, 498 and 504.

1: Grigson G-5 (1927-1934) 1949
AW32 Gond AW32
Hill Maria
Bison Horn Maria

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is no use expecting formalism from such unlettered tribal tribunals; the rules as issued perhaps err a little on the side of formalism, and the *panchayats* must not be expected to follow them too strictly or blamed if at times they exceed their nominal powers, so long as rough, ready and cheap justice, within the comprehension of the villagers, results. Once the real leaders of the clans and villages learn that the State is trusting them and that they can trust the State also, the headmen and *panchayats* will be an admirable focus for the introduction and spread of measures of enlightenment.

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1: Grigson G-5 (1927-1934) 1949
AW32 Gond AW32
Hill Maria
Bison Horn Maria

unchallenged. I emphasize the word sympathy: the method of threatening and punishing the headmen must be given up, and every effort made to win their understanding support for the new measures and even to entrust them with their execution.

The walks and talks at Surjagarh delayed the start on the 32 miles journey to Jawarwandi, and the car and lorry were more than once bogged on the way, so that once again we arrived in camp long after dark. It was on this journey that we crossed the tongues of Bastar territory mentioned on page 378 of this Note: in the southern tongue, in fact, we were bogged for an hour or more, but, as in Bastar, were readily helped to extricate ourselves. I noticed and stopped in *gotul* or bachelors' dormitories in several villages before and after Surjagarh. Many of these are treated by touring officers as though they were rest-huts built for their special convenience, like the *chauri* of Hyderabad or Berar villages. They use them also for posting up legal notices, and in two I found nailed to the wooden posts copies of the *Yudda Samachar* or War News in the Marathi edition published by the provincial War Purposes Fund for dissemination of accurate war information in all villages; this showed singular lack of intelligence on the part of those who controlled such propaganda in Chanda district, for in these Maria villages not a person was literate and very few could speak Marathi. The *gotul* culture here must be similar to that among the Murias just across the Bastar border in North Antagarh, but in the short time available I did not overcome the Marias' natural reluctance to discuss this intimate social organization, a reluctance heightened, I suspect, by the fact that here on the fringes of the *gotul* country the institution is the butt of Hindu ridicule or prurient curiosity. But there certainly are *gotul* in these villages, at least for the youths, and I found one, with some difficulty owing to the reticence of the local Marias in these mixed villages, at Erka in Rangi zamindari. So far as I could make out, they are still to be found in the Partially Excluded zamindaris of Drug.

Jarawandi is the headquarters of a sub-zamindar holding under Ahiri a taluq of twenty-three villages: the rival claims of Ahiri and Jarawandi to the seignorial dues have been a nuisance to the local Marias. Here there was a large gathering of headmen and *Sendhias* of *patti* groups of villages. Enquiries from them and later at Murumgaon showed that the *panchayat* system described in the extract on pages 286-8 of this book is not only as vigorous as ever, but is more widespread than previously recorded, there being *Sendhias* in almost every Chanda zamindari. It had been stated to me that the zamindars outside Ahiri had usurped the authority of the *Sendhia* and his *patti panchayat*, but I doubt the truth of this, and

3: Elwin E-5 (1935-1942) 1943
AW32 Gond AW32
Bison Horn Maria

322 on the main road from Jagdalpur to Dantewara. Near
766 Massenar at the end of a long line of menhirs is the pillar in memory of the famous Kopa Dhurwa, which has a carving of the old man wearing his jubilee medal. There are others at Chinger, on the way to Chitrakot and in a few other places.

322 Each pillar attempts to be a biography in wood of the
766 deceased. We see him important carrying the symbols of
532 wealth and power and riding on a horse or elephant; we see the dancers that delighted him and the landa pot which never failed to give him pleasure. We are shown the knives and axes that he used; the animals that he saw or hunted in the forest. The pillar for Oyami Masa, the homicide, had several carvings illustrating his work as a Siraha.

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● 623 Every Maria village has a panel of secular and religious
632 officials. There is the headman (often called the Peda), his assistant (the Kanoki) and a Kotwar, who has the duty of reporting to the police all births and deaths within his jurisdiction. Each group of villages belongs to what is called a Pargana, a relic of the older administrative system of the State, and at the head of each Pargana there is a Pargana Manjhi. Each village has its panchayat presided over by the village headman, and each Pargana has a Pargana panchayat which is a Court of Appeal. In 1932, the village panchayats among all the aboriginals in Bastar were entrusted with a certain amount of criminal and civil work. The regular Courts were deprived of jurisdiction over the tribesmen for no fewer than seventeen Sections of the Indian Penal Code, including those dealing with simple hurt and assault, thefts of property up to five rupees, mischief, trespass and adultery. The panchayats were permitted to deal with claims for civil damages that might arise out of the criminal offences, and in other civil claims not exceeding twentyfive rupees. They were permitted to impose fines of not more than twentyfive, and in marriage cases to allow expenses up to fifty rupees. The Kotwar had the business of reporting panchayat decisions to the police. An appeal

3: Elwin E-5 (1935-1942) 1943
AW32 Gond AW32
Bison Horn Maria

623 [630] lay to the Pargana Manjhi and his panchayat which consisted of four headmen chosen from his group of villages.

In the ten years since these panchayats were established, they have done a great deal of work, and on the whole may be said to have functioned very well. A few headmen have abused their positions; there has been a certain amount of diversion of fines to uses for which they were not intended; probably a number of less influential people have not always had the justice that they might have expected. But this might have happened even in the ordinary Courts, and there is no doubt whatever that the establishment of these panchayats has done a great deal to build up the self-respect of Maria and Muria, and has developed leadership among them.

622 623 The importance of the panchayat for our subject is obvious. In the first place, it provides a body of semi-official elders in every village whose duty it is to assist the police, and indeed whenever a suspicious death occurs in a village, the investigating officer calls the panchayat for a sort of inquest to which he acts as coroner and they as jury. On the other hand, the establishment of the village elders in a position of considerable authority makes it easy for them, when they wish to do so, to conceal a crime or deal with it themselves. Where a headman is himself the culprit, he may force the people to hush up his guilt; and the solidarity that is created by allowing the village under its own elders to settle many of its own affairs helps the headman to attain this end. This is no argument against the establishment of the panchayat. But it does mean that it is important for the authorities to hold the confidence of the headmen, and to inspire them constantly with a sense of their civic duties.

793 Side by side with the secular leaders are the religious elders of the village, though there is no reason why spiritual and secular functions should not be, as they often are, combined in the same persons. The priests and medicine-men naturally have more influence than the official headmen, the most powerful combination being when the headman himself is a Waddai or Siraha.

Chief among the religious elders is the Bhum-Gaita or Perma, the priest of the soil whose duty it is to see to all the sacrifices concerned with the village and its festivals, and

3: Elwin E-5 (1935-1942) 1943
AW32 Gond AW32
Bison Horn Maria

to perform the worship of the Village Mother. The Pen-Waddai or Waddai is the priest of the clan who fulfils spiritual duties for its members. There may be more than one Waddai in a village or, on the other hand, one Waddai may have jurisdiction over several villages. Everything depends on the distribution of the clan members in the locality. The Waddai is of great importance because of his association with the Ancestors and the Dead. He has to purify offenders against the clan rules, and those who have done anything which might conceivably offend the Dead. The Hanagunda may be the Waddai or some lesser personage. His duty is to act as master of ceremonies at a funeral and to perform the special rites of appeasement for the ghost. He becomes of great importance when anyone has met an unnatural death such as being killed by a tiger or has been executed.

In addition to these regular priests, there are a large number of men who are regarded as being in a special way the servants and interpreters of the gods. These men have the power of falling into ecstacy and in this condition divine the will and proclaim the wishes of unseen beings. They are called Siraha or Gunia. They are chiefly in demand for the cure of disease. Since disease is believed to be the result of supernatural activity on the part of some ghost or demon, it is by supernatural means that it must be diagnosed and cured. The Siraha often has houses round his compound for in-patients, and a celebrated medicine-man may attract sick and anxious people from a wide area.

These men, civil or religious, are the real rulers of the Bastar village. Their influence is more far-reaching, their word is of greater effect than that of the most popular officials. Only the Maharaja, from whom they derive their power, is greater. Today their power is greatly circumscribed, but, as we will see, it has not altogether disappeared. They can still make unbearable the life of witch or sorcerer; they can still ostracize the social rebel; they can still fine the domestic tyrant and subdue the village bully. The ordeal by fire or burning oil still remains a weapon in their hands, and the threat of excommunication is a greater deterrent than many of the provisions of the Indian Penal Code.

The religious leaders insist on the supernatural dangers of crime, the defilement of jail or handcuffs, the painful death

3: Elwin E-5 (1935-1942) 1943
AW32 Gond AW32
Bison Horn Maria

623 674 that may follow an unatoned adultery, the offence to the Ancestors of division within the clan. The secular leaders are more concerned with the fatiguing inconvenience of a police enquiry, and the embarrassment and waste of time of going as witnesses to a distant court. Village officialdom, it may be safely said, is anxious to prevent crime. It is equally anxious, when a crime has been committed, to hush it up. But hushing up does not mean that crimes will go unpunished. This might well bring on a village the vengeance of the Dead.

657 Behind this intense belief and organized activity native to the soil rises the massive and alien structure of the Indian Penal Code. This majestic formulary was first drafted in 1837 by a Law Commission under the presidentship of Lord Macaulay. Its provisions extend throughout British India, and it has been applied with certain modifications to Bastar State. The Civil Code of British India is also largely operative in the State. We thus have the remarkable, but not unusual, picture of tribesmen still deeply attached to their own ethical and penal system, still regulating their lives by their own laws of ownership, partition and inheritance, but unable to invoke any sanctions to enforce them and compelled in time of need to turn to a foreign Code that was made without any reference to their traditions and the conditions under which they live. J. H. Hutton has called attention to the result:

> Tribal customs which regulate the ownership, usufruct or transfer of land are normally superseded by a code in the application of which the tribe is deprived of its property, [illegible]erally in the name of law, either by alienation to foreigners or by transferring the trusteeship of a tribal chief into absolute ownership of a kind quite foreign to the customs of a tribe. This has befallen both the Munda and the hill tribes of Chittagong, while even in Rajputana a somewhat similar process has been at work. A similar application of alien law also usually disturbs the tribal customs of debt. The criminal law of a civilized community is often at variance with what is felt to be just and proper by tribal custom. The complicated system of administration of justice has tended to impair the natural truthfulness and honesty of the people and social solidarity of the tribes and has weakened the authority of the social heads and the respect they formerly commanded.